

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MICHAEL NITTOLO,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civ. Action No. 2:06-cv-194 (KSH)
Crim. Action No. 01-262 (KSH)

ORDER

Katharine S. Hayden, U.S.D.J.

For the reasons expressed in the opinion filed herewith,

IT IS on this 20th day of October 2008,

ORDERED that petitioner's motion brought pursuant to 28 U.S.C. §2255 is **denied**; and
it is further

ORDERED that petitioner's application for a certificate of appealability is **denied**; and it
is further

ORDERED that the Clerk of Court shall mark the within matter closed.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.

Dated: October 20, 2008